



Paper No. 7

TESTA, HURWITZ & THIBEAULT, LLP  
HIGH STREET TOWER  
125 HIGH STREET  
BOSTON, MA 02110

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**SEP 5 2001**

**OFFICE OF PETITIONS**

In re Application of	:	
Richard G. Ogier	:	
Application No. 09/728,192	:	DECISION GRANTING PETITION
Filed: December 1, 2000	:	
Attorney Docket No. SRI-009C	:	

This is a decision on the petition filed April 2, 2001, requesting that a "Notice to File Corrected Application Papers" mailed February 22, 2001, be vacated and the filing date of December 1, 2001, accorded the above-cited application, be retained.

On December 1, 2000, the above-identified application was filed. On February 22, 2001, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers" (the "Notice"), stating that the application had been accorded a filing date of December 1, 2000, and advising applicant that Figure 16, as described in the specification, appeared to be missing.

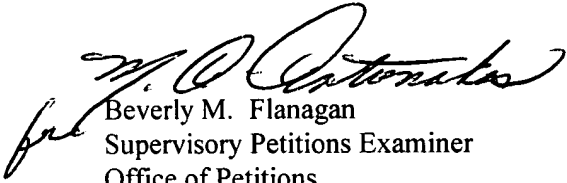
In response, on April 2, 2001, applicant filed the present petition, one drawing containing Figure 16, a copy of the return postcard date-stamped by the Patent and Trademark Office (the "Office") on December 1, 2001, acknowledging receipt of twenty sheets of drawings, a copy of Express Mail receipt EL69235085US (which corresponds to the Express Mail number found on the application papers filed December 1, 2001), and remitted the petition fee of \$130.00.

Upon review of the record, twenty sheets of drawings were found, including a figure labeled "16", deposited December 1, 2000, were located among the application papers. Applicant is advised that all language in the Notice relative to applicant's failure to file "Figure 16" and the consequences thereof is erroneous and such language is hereby vacated. Therefore, no petition fee is necessary and the fee of \$130.00 will be refunded, in due course.

Accordingly, the petition is granted.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of December 1, 2000.

Any inquiries related to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at  
(703)305-0010

A handwritten signature in cursive script, appearing to read "B. M. Flanagan", is written over the printed name and title.

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy